

Community Dispute Resolution Program

Annual Report 2006



COMMUNITY DISPUTE RESOLUTION PROGRAM ANNUAL REPORT 2006

Program Description and Funding

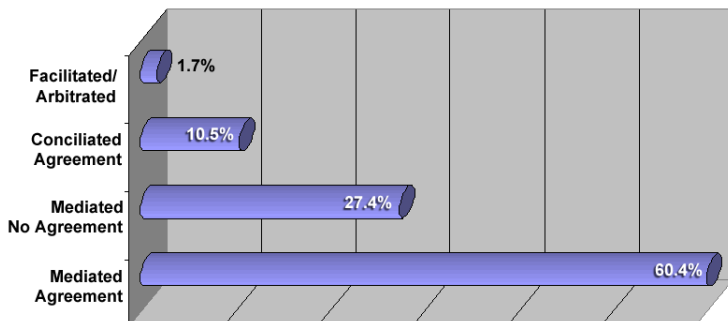
Community Dispute Resolution Program (CDRP) centers offer mediation as an alternative to traditional adversarial dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. Unlike the adversarial nature of traditional litigation, mediation involves mutual problem solving, where the parties generate options they believe would best resolve the conflict. In mediation, solutions are created by the parties, as opposed to litigation, in which the resolution of a conflict is imposed on parties. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship.

CDRP centers are nonprofit volunteer-based organizations that receive grant funding from SCAO. The grant funds are derived from a court filing fee assessment. In 2006, SCAO distributed approximately \$1.85 million to the 20 centers to support their work; grant awards per center ranged from \$32,401 to \$360,050. Contact information for the CDRP centers appears in the statistical supplement.

Program Performance

Centers completely or partially resolved 7,463 cases in 2006, and provided meeting facilitation and arbitration services in an additional 185 matters. Court referrals accounted for 79 percent (11,359) of the total 14,332 cases disposed.

Outcomes When All Parties Participate



2006 At A Glance

Number of centers	20
Range of grant awards	\$32,401–\$360,050
Individuals involved in cases	34,413
Number of resolutions	7,463
Average days to disposition	22.3
Average length of mediation (hours)	1.6
Resolution rate	72.0%
Average amount agreed to per case	\$2,574
Value of volunteer contribution	\$2,720,132

A resolution rate of 72 percent was realized when all parties agreed to participate in a mediation or conciliation. This was achieved either through the formal mediation process, or informally through correspondence or telephone conversation. Participants' selection of the formal mediation process in 2006 increased by 10.3 percent over the previous year. Approximately 46.6 percent of the cases conciliated or mediated involved noneconomic issues. The combined financial settlements of cases presenting economic issues were \$10,256,295, representing a \$2 million increase over 2005 settlements. The average financial settlement per case was \$2,574.37.

Mediation results in the quick resolution of matters. On average, a case was disposed within 22.3 days of intake. The average mediation session lasted about one and three-quarter hours. The statewide average cost per case, derived by dividing centers' CDRP grant awards by the total number of case dispositions, was \$129. Additional information regarding cost per case calculations appears in the statistical supplement.

Contract, landlord-tenant, and domestic matters comprised 73 percent of the 14,332 cases disposed in 2006.

Program Performance Compared

In the late 1980s, the National Center for State Courts based its recommendations for designing Michigan's community mediation initiative on a model already implemented in New

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	Michigan	New York
Funds disbursed to centers	\$1.85 million	\$8.09 million
Avg. days intake to disposition	22	17
Avg. amount agreed to per case	\$2,574	\$3,274
Cost per disposed case	\$129	\$226
Percentage of court referrals	79	50
Percentage resolution rate	72	79

York state. Of the numerous statewide mediation systems in place across the country, New York's Community Dispute Resolution Centers Program (CDRCP) continues to most closely resemble Michigan's Community Dispute Resolution Program. In fiscal year 2005-06, New York State Unified Court System disbursed \$8,092,410 to its 27 community mediation centers, nearly four times the amount disbursed in Michigan. Despite New York having significantly higher funding levels than Michigan, Michigan's CDRP centers' results compare very favorably to those obtained in New York.

Volunteer Contributions

Volunteerism remains a defining aspect of the CDRP. Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. Approximately 20,600 hours of service were contributed by volunteers in 2006. In market value equivalents, this represents a contribution of \$2,720,132. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$182,653. This means that for every dollar invested by grant awards, an additional \$1.57 in in-kind services are generated.

Increasing Service to Courts

CDRP centers continued to work with courts in their service area to increase both the number and variety of cases referred to mediation.

The number of court referrals to centers has increased from 49 percent of all referrals in the mid-1990s to nearly 80 percent in 2006. The increasingly

Dispute Type

Breach of contract	49.0%
Domestic relations	14.0%
Landlord/tenant	10.0%
Property	4.8%
Juvenile victim offender restitution	5.5%
Other	16.7%

diverse case types referred by courts range from small claims and landlord-tenant cases to contested adult guardianships, truancy, land use, contract, real estate, and other district and circuit court matters.

One pilot project involves the referral of matters that have been case evaluated under MCR 2.403, but one or more parties have rejected a case evaluation panel's assessment that a case is valued below \$25,000. Parties in these cases are ordered to mediation, and if mediators are not selected by the parties, the mediation is conducted through a CDRP center. Circuit courts and CDRP centers in Kent, Macomb, and Oakland counties are participating in this project.

Access and Visitation Pilot Project

In November 2004, the Access and Visitation Domestic Relations Mediation Pilot Project was initiated in four counties to provide mediation in post-judgment parenting time disputes referred by the friend of the court. By December 2006, the pilot project expanded to include 12 centers, and eligible dispute types were broadened to include pre- and postjudgment child parenting time matters. Mediators participating in this pilot project attended a two-day advanced training program. In 2006, 419 cases were mediated as a part of this pilot program, resulting in 63.2 percent of the cases increasing the amount of time the noncustodial parents spent with their children. Project evaluation will occur in 2007-2008 to determine the service's long-term efficacy.

Enhanced Data Collection, Reporting to Courts, and Funding Formula

CDRP centers implemented new case management software in late 2005 to better manage the growing volume of cases and to provide for better analyses

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of the centers' work. Centers are now able to generate reports for individual courts that reflect case dispositions from court referrals. In 2006, software capability was added to permit centers to record time spent on various case activities. This permitted SCAO to conduct a weighted caseload study designed to identify the amount of time spent on different types of cases, and to look at time spent on various stages of case management. This analysis has enabled SCAO to enhance the CDRP funding formula by awarding a portion of program funding on the basis of the weighted caseload.

Continued Family Division Program Expansion

Work began in 2006 to develop the capacity of the CDRP centers to help divorcing litigants mediate contested matters. The specific constituency for this pilot project is litigants who: (a) are self-represented; (b) have no children involved in the divorce; and (c) have few or no assets. The service will be tested through CDRP centers in jurisdictions where courts are reporting a high level of self-represented litigants. SCAO gratefully acknowledges receiving a grant from the Michigan State Bar Foundation to support the implementation of this service.

SCAO also continues to seek long-term funding to expand mediation services in child abuse and neglect cases. A 2004 study conducted by the Michigan State University School of Social Work showed that children's permanency outcomes could be expedited by more than one year where mediation was employed. A follow-up study will take place in 2007 to determine whether this outcome has been improved even further. In 2006, eight centers mediated 94 child welfare cases.

Statistical Supplement Available

Supplemental annual report materials are also available on SCAO's website. These materials include: (a) local program summaries identifying the types of services offered, referral sources, and other information; (b) comprehensive statistical data for each center, reported quarterly and compiled annually by SCAO; and (c) cost per case analysis.

Public Education Materials

Additional information about the Community Dispute Resolution Program can be found on SCAO's website: <http://courts.michigan.gov/scao/dispute/index.htm>. Local CDRP centers can be contacted by calling 1-800-8RESOLVE (1-800-873-7658).

To contact the Community Dispute Resolution Program center nearest you call 1-800-8RESOLVE, (1-800-873-7658).

For additional information about the statewide Community Dispute Resolution Program or this report please contact:



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Program information is also available at: <http://courts.michigan.gov/scao/dispute/index.htm>